

REMARKS

Independent claims 1, 11, and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hübinette (U.S. Patent No. 6,289,511). Dependent claim 26 was also rejected as being anticipated by Hübinette. It is respectfully submitted that the examiner did not establish *prima facie* anticipation with respect to claim 26. Thus, the subject matter of claim 26 has been incorporated into independent claims 1, 11, and 21.

In the Office action, the examiner cites to column 7, lines 8-44 of Hübinette as teaching enabling a first processor-based system to automatically delete its address from a list of addresses before forwarding the list to the second processor-based system. Namely, the NE. modifies the assignment. See Paper No. 20060413 at page 5. There is no evidence in section of Hübinette cited by the examiner that supports the examiner's contention.

For example, Hübinette's assignment 330 includes an addresses of target elements section 340. Figure 3 at 340; column 7, lines 26-27. There is no evidence that the address for the primary network element (NE) receiving a particular assignment is included in the addresses of target elements 340. See, e.g., Figure 3 at 340. Specifically, according to Hübinette's example, the centralized managing station (CMS) transmits software related files 310 and assignments 330 to a particular primary NE such as NE 180. See Figures 2 and 3; column 6, lines 49-56; column 7, lines 8-12. The assignment 330 for the particular primary NE includes the addresses of target elements 340 *to be targeted* by the particular primary NE. Column 7, lines 26-27. As explained by Hübinette:

addresses of target elements 340 specify which NEs and possibly S-NEs are to be the target of the software-loading procedure. For example, when the CMS 110 in accordance with the current example transmits the software-loading related files 310 and the assignment(s) 330 to the NE 180, *the addresses of the target elements 340 may include the address of the NE 140 and the NE 170 because these are to be secondary targets of the NE 180.*

Column 7, lines 29-39 (emphasis added). Given that the only addresses Hübinette teaches as being included in the addresses portion 340 of the assignment 330 are the addresses for the NEs that a particular primary NE will transmit the software to, and that the primary NE such as NE 180 is not its own target, there is no indication that the address for the particular primary NE receiving the assignment 330 is listed in the addresses of target elements 340. Stated another way, the CMS sends the assignment 330 to a particular primary NE with a list of targets for the primary NE. But there is no disclosure in the cited section of Hübinette that teaches that the

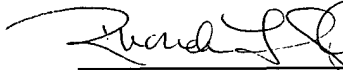
CMS includes the address of the primary NE in the target element section 340. Because the address of the primary NE 180 is not listed in the addresses of target elements 340, the list is not modified to delete the particular primary NE's address as inferred by the examiner. Therefore, it is submitted that the examiner has not shown where Hübinette specifically modifies the addresses of target elements 340 to delete a primary NE's address after the primary NE receives the software-loading files 310 and the assignments 330, and before the primary NE transmits to a secondary NE. For this reason, *prima facie* anticipation has not been established for amended claims 1, 11, and 21. Reversal of the rejection is requested.

CONCLUSION

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0473US).

Respectfully submitted,

Date: July 19, 2006



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